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Attorneys for Defendant
 HEWLETT-PACKARD COMPANY

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

CARL K. RICH, on Behalf of Himself and All
 Others Similarly Situated, as Well as on Behalf
 of the General Public and Acting in the Public
 Interest,

Plaintiff,

v.

HEWLETT-PACKARD COMPANY, a
 California Corporation; and DOES 1 through
 250, inclusive,

Defendants.

CASE NO. C-06-03361-JF (HRL)

**STIPULATION AND [PROPOSED] ORDER
 TO CONTINUE THE DEADLINE TO
 COMPLETE THE ADR PROCESS,
 CONTINUE THE INITIAL CASE
 MANAGEMENT CONFERENCE, AND SET
 A HEARING DATE AND BRIEFING
 SCHEDULE ON MOTION TO DISMISS**

**SUPPORTING DECLARATIONS OF
 ALFREDO TORRIJOS AND
 CHRISTOPHER CHORBA**

[N.D. Cal. Local Rule 6-1(b)]

Through this Joint Stipulation and [Proposed] Order Plaintiff Carl Rich ("Plaintiff") and Defendant Hewlett-Packard Company ("Defendant") agree to: (1) continue the deadline to complete the ADR process an additional ninety days, to and including February 28, 2007; (2) continue the Initial Case Management Conference to December 1, 2006; and (3) set a hearing date and briefing schedule on the Motion to Dismiss. The parties hereby request that the Court approve this extension pursuant to Civil L.R. 6-1(b).

JOINT STIPULATION

WHEREAS the parties filed their stipulation selecting an ADR process pursuant to Civil L.R. 16-8 and ADR L.R. 3-5;

WHEREAS the parties' stipulation provided for private, non-binding mediation to be completed within ninety days of the Court's order approving the stipulation (dated August 31, 2006);

WHEREAS the parties agree that they require additional time to investigate the claims in Plaintiff's First Amended Complaint and to assess their respective positions before conducting a mediation session in this matter;

WHEREAS Plaintiff filed his First Amended Complaint on September 29, 2006;

WHEREAS Defendant intends to move to dismiss the First Amended Complaint;

WHEREAS the parties have agreed to extend the time for Defendant to respond to the First Amended Complaint from October 16 to October 20, 2006; and

WHEREAS the parties agree that coordinating the hearing date on the Motion to Dismiss and the Initial Case Management Conference would be most efficient for the Court and the parties.

ACCORDINGLY, pursuant to Local Rule 6-1(b), the parties, by and through their counsel of record, hereby stipulate to, and request the Court's approval of the following:

1. The deadline for the parties to complete the ADR process by **February 28, 2007**.
2. Initial Case Management Conference and hearing date on Motion to Dismiss:
December 1, 2006 at 9:00 a.m.
3. Briefing schedule on Defendant's Motion to Dismiss:
 - a. Deadline to file/serve Motion..... October 20, 2006¹
 - b. Deadline to file/serve Opposition..... November 10, 2006
 - c. Deadline to file/serve Reply November 17, 2006

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¹ Plaintiff and Defendant separately agree to extend this deadline for Defendant to respond to the First Amended Complaint. Pursuant to Local Rule 6-1(a), this extension does not require Court approval.

1 4. All other deadlines remain as scheduled by the Court and/or pursuant to the Federal
2 Rules of Civil Procedure and/or the Court's Local Rules.

3 IT IS SO STIPULATED.

4 DATED: October 5, 2006

COTCHETT, PITRE, SIMON & McCARTHY

6
7 By:  _____

Bruce Simon

8 Attorneys for Plaintiff CARL K. RICH

9
10 DATED: October 6, 2006

GIBSON, DUNN & CRUTCHER LLP

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12 By:  _____

Christopher Chorba

13 Attorneys for Defendant HEWLETT-PACKARD
14 COMPANY

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[PROPOSED] ORDER

Pursuant to the parties' stipulation, the deadline to complete private non-binding mediation in the above-captioned matter is hereby continued to February 28, 2007, and the Initial Case Management Conference (and hearing on Defendant's Motion to Dismiss) shall be December 1, 2006, at 9:00 a.m.

IT IS SO ORDERED.

DATED: 10/10/06



UNITED STATES DISTRICT JUDGE

Jeremy Fogel

DECLARATION OF CHRISTOPHER CHORBA

I, Christopher Chorba, declare as follows:

1. I am an attorney admitted to practice law before all courts of the State of California. I am an associate in the law firm of Gibson, Dunn & Crutcher LLP, and I am one of the attorneys responsible for the representation of Defendant Hewlett-Packard Company ("HP") in the action entitled *Carl Rich v. Hewlett-Packard Company, et al.* (N.D. Cal. Case No. C 06-03361-JF). Pursuant to Local Rule 6-2(a), I submit this declaration in support of the parties' Joint Stipulation and [Proposed] Order to Continue the Deadline to Complete the ADR Process, Initial Case Management Conference, and Set a Hearing Date and Briefing Schedule on Motion to Dismiss (the "Joint Stipulation"). Unless otherwise stated, the following facts are within my personal knowledge and, if called and sworn as a witness, I could and would testify competently thereto.

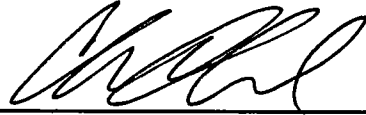
2. The Reasons for the Requested Enlargement or Shortening of Time (Local Rule 6-2(a)(1)). Currently, the deadline for the parties in this matter to complete private non-binding mediation is November 29, 2006. A continuance would provide the parties with additional time to consider their respective positions, investigate the claims and defenses, and better evaluate whether to negotiate a resolution of this case. In addition, consolidating the hearing on the Motion to Dismiss and the Initial Case Management Conference would be more efficient for the Court and the parties.

3. Prior Time Modifications in this Case (Local Rule 6-2(a)(2)). The parties previously stipulated to extend the time for HP to move to dismiss the Complaint, and they also stipulated to continue the Initial Case Management Conference to the same date for the hearing on HP's Motion to Dismiss. (Plaintiff subsequently amended his Complaint, thus mooting HP's initial Motion.)

4. Effect of the Requested Time Modification on the Schedule for the Case (Local Rule 6-2(a)(3)). The requested extension would only effect the deadline to complete the ADR process. The parties do not anticipate that the continuance requested by the parties would have any impact on additional pretrial deadlines. There are currently no trial dates or discovery deadlines set in the above-captioned matter.

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is
2 true and correct and that I executed this Declaration at Los Angeles, California.

3 DATED: October 6, 2006

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6 CHRISTOPHER CHORBA

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DECLARATION OF ALFREDO TORRIJOS

I, Alfredo Torrijos, declare as follows:

1. I am an attorney admitted to practice law before all courts of the State of California. I am an associate in the law firm of Kabateck Brown Kellner LLP, and I am one of the attorneys responsible for the representation of Plaintiff Carl K. Rich ("Plaintiff") in the action entitled *Carl Rich v. Hewlett-Packard Company, et al.* (N.D. Cal. Case No. C 06-03361-JF). Pursuant to Local Rule 6-2(a), I submit this declaration in support of the parties' Joint Stipulation and [Proposed] Order to Continue the Deadline to Complete the ADR Process, Initial Case Management Conference, and Set a Hearing Date and Briefing Schedule on Motion to Dismiss (the "Joint Stipulation"). Unless otherwise stated, the following facts are within my personal knowledge and, if called and sworn as a witness, I could and would testify competently thereto.

2. The Reasons for the Requested Enlargement or Shortening of Time (Local Rule 6-2(a)(1)). Currently, the deadline for the parties in this matter to complete private non-binding mediation is November 29, 2006. A continuance would provide the parties with additional time to consider their respective positions, investigate the claims and defenses, and better evaluate whether to negotiate a resolution of this case. In addition, consolidating the hearing on the Motion to Dismiss and the Initial Case Management Conference would be more efficient for the Court and the parties.

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1 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
2 and correct and that I executed this Declaration at Los Angeles, California.

3 DATED: October 6, 2006

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6 ALFREDO TORRIJOS
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I, Christopher Chorba, hereby certify that on October 6, 2006, I caused the foregoing
**STIPULATION AND [PROPOSED] ORDER TO CONTINUE THE DEADLINE TO
 COMPLETE THE ADR PROCESS, CONTINUE THE INITIAL CASE MANAGEMENT
 CONFERENCE, AND SET A HEARING DATE AND BRIEFING SCHEDULE ON MOTION
 TO DISMISS** to be electronically filed and served upon the persons named below via the ECF
 system. This document is available for reviewing and downloading from the ECF system.

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DATED: October 6, 2006

GIBSON, DUNN & CRUTCHER LLP
 PETER SULLIVAN
 SAMUEL G. LIVERSIDGE
 CHRISTOPHER CHORBA

By: /s/ Christopher Chorba*

Attorneys for Defendant HEWLETT-PACKARD
 COMPANY

*I hereby attest that I have on file all holograph
 signatures for any signatures indicated by a "conformed"
 signature (/S/) within this efiled document.